

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**BRETT C. TITTLE,**

**Petitioner,**

**v.**

**Case No. 08-C-395**

**SHERIFF DAVID CLARK, et. al.,**

**Respondents.**

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**RECOMMENDATION THAT THE PETITION FOR A WRIT OF HABEAS  
CORPUS BE DISMISSED**

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Brett C. Tittle (“Tittle”) has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, this court must conduct a preliminary review of the petition. “If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.”

Tittle identifies that case that he seeks relief in as 07-CF-5353. (Docket No. 1 at 2, ¶I.C.) For this crime, he was sentenced to 8 months. (Docket No. 1 at 2, ¶I.E.) When asked to explain all of the crimes of which he was convicted and sentenced in this case, Tittle identifies case numbers 06-CF-3190, 06-CM-3555, 06-CM-4338, 06-CT-4276. (Docket No. 1 at 2, ¶I.G.) Tittle alleges that he appealed his conviction in 06-CF-3190 on the basis of ineffective assistance of counsel and double jeopardy. (Docket No. 1 at 3, ¶II.A.2.) In the portion of the habeas petition form where he is to set forth the result of this case, Tittle states that this appeal is “still pending.” (Docket No. 1 at 3, ¶II.A.3.) Further, Tittle failed to attach any decisions of the court of appeals.

The court has reviewed the Wisconsin Supreme Court and Court of Appeals Case Access database, available at <http://wscca.wicourts.gov/caseSearchPage.do>, and has been able to identify only a single appellate case involving Tittle, 2008AP64, a civil case that appears unrelated to the conviction(s) Tittle challenges in his present habeas petition. Therefore, it is plainly apparent that Tittle has failed to exhaust his state court remedies. Thus, pursuant to 28 U.S.C. § 2254(b)(1) Tittle is not entitled to federal habeas corpus relief, and in accordance with Rule 4 of the Rules Governing Section 2254 Cases, the court shall recommend that Tittle's petition be dismissed.

**IT IS THEREFORE RECOMMENDED** that Tittle's petition for a writ of habeas corpus be **dismissed**.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C) and General Local Rule 72.3 (E.D. Wis.), whereby written objections to any recommendation herein or part thereof may be filed within ten days of service of this recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of your right to appeal.

Dated at Milwaukee, Wisconsin this 9th day of May 2008.

s/AARON E. GOODSTEIN  
U.S. Magistrate Judge